

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 26781 PERMIT 19050 LICENSE

ORDER APPROVING AN EXTENSION IN THE TIME  
SCHEDULE FOR PERMIT CONDITION 17

**WHEREAS:**

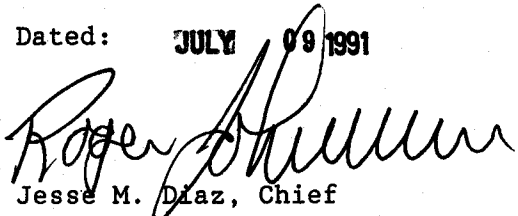
1. Permit 19050 was issued to Pacific Gas and Electric Company on December 5, 1983 pursuant to Application 26781.
2. A petition to amend the timeframe under Condition 17 for submittal of the final copy of the fisheries agreement has been filed with the State Water Resources Control Board on March 11, 1991.
3. The fisheries agreement requiring a policy review by the California Department of Fish and Game (CDF&G) has been delayed due to staffing restraints.
4. The permittee has proceeded with diligence in obtaining the fisheries agreement with CDF&G and good cause has been shown for amending the timeframe under Permit Condition 17.
5. The Board has determined that the petition is appropriate and will not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Condition 17 of this permit be amended to read:

By December 31, 1993 permittee shall submit to the Chief, Division of Water Rights, a copy of the final fisheries agreement with the California Department of Fish and Game (CDF&G).

Dated: **JULY 09 1991**

  
Jesse M. Diaz, Chief  
Division of Water Quality  
and Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 26781

PERMIT 19050

LICENSE \_\_\_\_\_

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE AND AMENDING THE PERMIT

WHEREAS:

1. Permit 19050 was issued to Pacific Gas and Electric Company on December 5, 1983.
2. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
3. The permittee has proceeded with diligence and good cause has been shown for extension of time.
4. Permit Condition 12 pertaining to the continuing authority of the Board should be updated to conform to standard Permit Term 12 as contained in Title 23, California Code of Regulation, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 8 of the permit be amended to read:

CONSTRUCTION WORK SHALL  
COMMENCE ON OR BEFORE

December 31, 1993

(0000007)

2. Condition 9 of the permit be amended to read:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 31, 1995

(0000009)

3. Condition 12 of this permit be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.


The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

4. Condition 17 is added to this permit as follows:

By December 31, 1989 permittee shall submit to the Chief, Division of Water Rights, a copy of the final fisheries agreement with the California Department of Fish and Game (CDF&G).

Dated:     **OCTOBER 06 1988**

*for*   
Walter G. Pettit, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
~~THE RESOURCES AGENCY~~  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 19050

Application 26781 of Pacific Gas and Electric Company

77 Beale Street, San Francisco, California 94106

filed on April 7, 1981, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

North Fork Feather River

Feather River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
<u>Rock Creek Dam</u> <u>North 87°30' East 513.8 feet from</u> <u>SW corner of Section 26</u>	<u>SW<math>\frac{1}{4}</math> of SW<math>\frac{1}{4}</math></u>	<u>26</u>	<u>25N</u>	<u>6E</u>	<u>MD</u>
<u>Cresta Dam</u> <u>South 12°28' West 3,435.9 feet</u> <u>from SW corner of Section 36</u>	<u>NE<math>\frac{1}{4}</math> of SW<math>\frac{1}{4}</math></u>	<u>1</u>	<u>23N</u>	<u>5E</u>	<u>MD</u>

County of Butte & Plumas

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
	<u>Rock Creek Fishwater Release Powerhouse in</u>					
<u>Power</u>	<u>SW<math>\frac{1}{4}</math> of SW<math>\frac{1}{4}</math></u>	<u>26</u>	<u>25N</u>	<u>6E</u>	<u>MD</u>	
	<u>Cresta Fishwater Release Powerhouse in</u>					
	<u>NE<math>\frac{1}{4}</math> of SW<math>\frac{1}{4}</math></u>	<u>1</u>	<u>23N</u>	<u>5E</u>	<u>MD</u>	

The place of use is shown on map filed with the State Water Resources Control Board.

10000

Section 36, T. 1 N., R. 1 E., S. 1 W.

Section 36, T. 1 N., R. 1 E., S. 1 W.

Section 36, T. 1 N., R. 1 E., S. 1 W.

Section 36, T. 1 N., R. 1 E., S. 1 W.

Section 36, T. 1 N., R. 1 E., S. 1 W.

Section 36, T. 1 N., R. 1 E., S. 1 W.  
from SW corner of Section 36  
North 87° 30' East 51.5 feet

Section 36, T. 1 N., R. 1 E., S. 1 W.  
from SW corner of Section 36  
South 12° 30' West 34.5 feet

Butte & Plumas

Section 36, T. 1 N., R. 1 E., S. 1 W.

Section 36, T. 1 N., R. 1 E., S. 1 W.

5. The water appropriated shall be limited to water released from Rock Creek and Cresta dams for fishery and other instream uses and shall not exceed 125 cubic feet per second to be diverted from January 1 to December 31 of each year. (0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 1, 1989. (0000008)

9. Complete application of the water to the authorized use shall be made by December 1, 1990. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable methods of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue. (0000025)

15. Water diverted under this permit is for nonconsumptive uses and is to be released to North Fork Feather River within NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 1, T23N, R5E, MDB&M. (0000111)

Application 26781

Permit 19050

16. No construction shall be commenced and no water shall be used under this permit until all necessary federal, state and local approvals have been obtained, including compliance with any applicable Federal Energy Regulatory Commission requirements.

(000-J001)

17. (0390300)

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: DECEMBER 5 1983

STATE WATER RESOURCES CONTROL BOARD

*Raymond Wash*

Chief, Division of Water Rights